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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

FRANK BRANDON,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. SAID SALIM, Shield No. 09517, Individually and in his Official Capacity, P.O. ANDRO STAMBUK, Shield No. 2989428510, Individually and in his Official Capacity, P.O. MARC KLAUSNER, Shield No. 01983, Individually and in his Official Capacity, P.O.s JOHN DOE # 1 - 10 (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE

07 CV 08789 (LAP)

x

WHEREAS, plaintiff FRANK BRANDON commenced this action by filing a complaint on or about October 12, 2007 alleging that defendants violated his federal civil and state common law rights, and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the Court dismissed with prejudice the claims against defendants Marc Klausner, Andro Stambuk and the City of New York in a Memorandum and Order dated March 30 2010; and

WHEREAS, plaintiff and defendant Said Salim now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has assigned his rights to attorneys' fees, expenses and costs to his attorney, Jon L. Norinsberg;

WHEREAS, plaintiff has authorized his attorney to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff FRANK BRANDON the total sum of FORTY FIVE THOUSAND DOLLARS (\$45,000), and his counsel, Jon Norinsberg the total sum of FORTY FIVE THOUSAND DOLLARS (\$45,000), in full satisfaction of all claims against all current and former defendants, including claims for costs, expenses and attorney fees.

3. In consideration for the payment of the foregoing sums, plaintiff agrees to the dismissal of all the claims against defendant Said Salim, and any present or former employees or agents of the City of New York and the New York City Police Department and their successors or assigns, from any and all liability, and any and all claims which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

4. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of Status of Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any

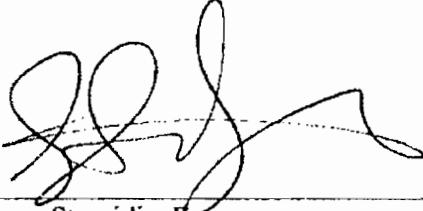
other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

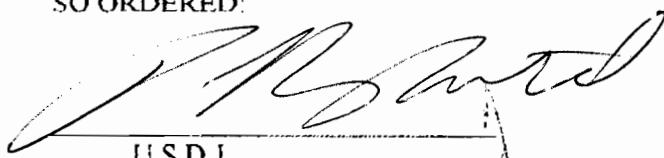
7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
June 7, 2010


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SO ORDERED:


U.S.D.J.

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